

12 Dec 71

CA GV dormant ; Boston

50-50 whether new indictments come down in Boston,  
in Jan: NS, SS. Spencer prob. will be released.  
Nisson likes big cases: many counts + defendants...

Chayes: several times called to rule on leaks: always  
judged that Espionage Act did not apply,  
unless intent to harm...

Selowsky: not, or marginally related to national defense.  
useful to historians...

Smith: leak system; use of memoir material...  
relation to White Paper on China (800 pp. of docs,  
some nearly current: cables...)

Jack Sorensen: extent of leaks; use in book.

Abel: leaks & press; synopses; backgrounds.  
Leaks from military.

Florence:

(Schlesinger, <sup>possible</sup> Wilson, Sorensen: Halperin says they took papers  
and worked on them in this study. Will they say this?  
Win?

~~Halperin~~

MHH: Suspects: they have decided not to name one NS:  
(I'm going to throw the whole thing onto  
SS & Louis Marx, Jr.)  
about a month ago.

Big question is whether to investigate two other  
conspiracies:

- (a) Left conspiracy to induce OE to release docs.
- (b) Earlier conspiracy to put docs in RAND  
where they could be copied.

trial date?



Motions to dismiss 641

Dismiss

On 793: (2) Defect in institution of indictment;  
frequent leaks, none prosecuted: that you  
cannot choose to prosecute only when info is  
embarrassing — suppress dissent.

(b) No offense stated under the statute  
what is a doc "relating to national defense"?  
~~Statute says nothing about retaining, etc.~~  
Does this section of statute lack requirement  
of a criminal intent? What is it — we  
L

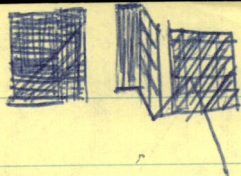
Halperin: Since I was authorized to possess (the  
info in) the "original", I was authorized  
to possess copies. [Ignore how copies were  
made, or which is <sup>universal</sup> normal, arguing, whatever the  
regs say I [+ by custom copied] ; thus, I  
was authorized to retain, at the time charged  
in indictment.

Bandin: How fast can we get <sup>you</sup> affirmed as a  
lawyer?

[J] can now claim

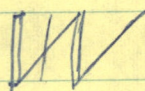
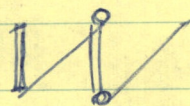
Opening statement motion?



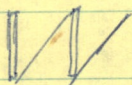


Mont: Everyone knows class. rgs are never followed:

(2)

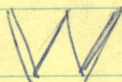
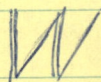


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Research?

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